

**TRIBAL
INTERVENTION**

An Indian child's tribe has the right to intervene at any point in any proceeding for the foster care placement of, or termination of parental rights to, an Indian child.

OVERVIEW

In addition to the procedures outlined in FOM 722-3, Replacement, if an Indian child in temporary foster care (this includes a juvenile justice ward) or pre-adoptive placement must be moved from one placement to another (foster home to foster home, foster home to institution, etc.), the replacement must follow the established placement priorities in NAA 215, Placement Priorities for Indian Child(ren). The policy of least restrictive setting appropriate to the Indian child's needs must also be followed, unless the Indian child is returned to the parent(s) or Indian custodian(s) from whose custody the Indian child was originally removed.

**Case Conference
or Family Team
Meeting**

A case conference or family team meeting (FTM) must be held before a change of placement. The appropriate tribal or Indian representatives must be invited. All efforts must be documented in social work contacts.

**Replacement
Hearing
Notification**

The caseworker must notify the parent(s) or Indian custodian(s) and the tribe, of any hearing to change placement. The caseworker must send the DHS-120, American Indian/Alaska Native (AI/AN) Child Case Notification, **by registered mail with return receipt to all** of the following:

- Parent(s).
- Indian custodian(s) (if any).
- Tribe(s), when known or upon receipt of verification from the Midwest Bureau of Indian Affairs of the Indian ancestry of that tribe.

- Midwest Bureau of Indian Affairs (as designated for Michigan by the Secretary of the Interior); if specific tribe is undetermined and/or multiple tribes are noticed.
- Bureau of Indian Affairs regional office specific to the tribe/state; if tribe is not located in the Midwest Bureau of Indian Affairs region.
- Notification must also be sent to the tribe(s) located in the county of client residence and/or CPS complaint (MIFPA); if specific tribe is undetermined.

The caseworker must also send the DHS-120 according to the instructions above when seeking foster care placement of, termination of parental rights to, or adoption of, an Indian child.

Note: The parent(s) or Indian custodian(s) and the child's tribe or Secretary of the Interior (if tribal affiliation is unclear) must receive the notice 10 calendar days before the date of the hearing. A copy of the DHS-120 and return receipt must be filed in the case record and court of jurisdiction. Failure to complete proper notice may jeopardize and nullify the court proceedings.

LEGAL BASIS

Indian Child Welfare Act, 25 USC 1901 et seq.

Michigan Indian Family Preservation Act, MCL 712B. 1 - 41.